

Message Text

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S/S - MR. MOFFAT

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FM SECSTATE WASHDC

TO USDEL LOS ANGELES IMMEDIATE

UNCLAS STATE 018385

TOSEC 58

E.O. 11652: NA

TAGS: OVIP (KISSINGER, HENRY A.)

SUBJECT: SENATOR JACKSON'S PRESS CONFERENCE

FOLLOWING IS STATEMENT BY SENATOR JACKSON FOR RELEASE
SUNDAY MORNING CONCERNING YOUR ANNOUNCEMENT OF JANUARY 14.

"ON JANUARY 14, SECRETARY OF STATE KISSINGER INFORMED US
THAT THE SOVIET UNION HAS DECIDED NOT TO BRING INTO FORCE
THE 1972 TRADE AGREEMENT GRANTING MOSCOW MOST-FAVORED-
NATION TREATMENT BY THE UNITED STATES SUBJECT TO IMPLEMENT-
ING LEGISLATION. THE SECRETARY'S ANNOUNCEMENT, WHICH CAME
AS A COMPLETE SURPRISE TO ME AND TO MY CONGRESSIONAL
COLLEAGUES, HAS GIVEN RISE TO CONFUSION, SPECULATION, AND
MISUNDERSTANDING. THE TIME HAS COME TO SET THE RECORD
STRAIGHT.

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AT THE OUTSET, I WISH TO MAKE MY OWN POSITION CLEAR: TO ME,
GENUINE DETENTE REQUIRES FREER MOVEMENT OF PEOPLE AND IDEAS,
AND NOT JUST OF MACHINERY OR WHEAT. I CONTINUE TO BELIEVE
THAT THE ECONOMIC POWER OF THE UNITED STATES SHOULD BE

PRESSED INTO THE SERVICE OF HUMAN RIGHTS, AND I CONTINUE TO BELIEVE THAT THE COURAGEOUS MEN AND WOMEN FIGHTING FOR THEIR FREEDOM IN THE SOVIET UNION ARE WORTHY OF OUR SUPPORT. I WILL NOT ABANDON THEIR CAUSE, WHETHER UNDER PRESSURE FROM THE COLD-HEARTED IN MOSCOW, OR THE FAINT-HEARTED IN WASHINGTON.

TRADE WITH THE SOVIET UNION

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I CONTINUE TO SUPPORT EXPANDED TRADE WITH THE SOVIET UNION, DESPITE ITS REJECTION OF THE 1972 AGREEMENT; AND ORDINARY COMMERCIAL TRADE -- PROFITABLE TO BOTH SIDES, AND REQUIRING NO GOVERNMENT SUBSIDIES -- MAY WILL CONTINUE TO GROW. BUT THE FACT IS THAT TO THE SOVIETS THE 1972 TRADE AGREEMENT WAS DESIGNED TO BRING NOT SO MUCH OUR TRADE, AS OUR AID -- IN THE FORM OF A HUGE INFUSION OF AMERICAN CAPITAL AT SUBSIDIZED INTEREST RATES. ON THIS WE HAVE THE AUTHORITY OF DR KISSINGER IN HIS JANUARY 13 BUSINESS WEEK INTERVIEW:

'THE SOVIET UNION WAS MUCH MORE INTERESTED IN CREDITS THAT IT WAS IN TRADE BECAUSE, FOR THE NEXT FOUR OR FIVE YEARS, IT WILL HAVE VERY LITTLE TO GIVE IN RECIPROCAL TRADE.'

THE TRADE AGREEMENT OF 1972 WAS NOT, IN ECONOMIC TERMS, THE SORT OF 'MUTUALLY BENEFICIAL TRADE RELATIONS WITH THE SOVIET UNION' SECRETARY KISSINGER ESPOUSED IN HIS JANUARY 14 STATEMENT; RATHER THE STREAM OF BENEFITS IN THAT AGREEMENT FLOWED ONE WAY ONLY -- EAST TO MOSCOW. WELL AWARE OF THIS, CONGRESS INSISTED THAT THE IMBALANCE OF BENEFITS BE REDRESSED -- NOT IN ECONOMIC TERMS (FOR THERE IS NO REAL PROSPECT OF THAT), AND NOT IN GEOPOLITICAL TERMS (WHERE SOVIET ACCOMMODATION HAS PROVED WHOLLY ELUSIVE), BUT IN TERMS OF MOVEMENT TOWARD THE IMPLEMENTATION OF ARTICLE XIII OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WHICH PROVIDES FOR FREE
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EMIGRATION. DESPITE THE ADMINISTRATION'S TIMIDITY, THE JUDGMENT OF CONGRESS PREVAILED. BY OVERWHELMING MARGINS IN BOTH HOUSES, CREDITS AND MOST-FAVORED-NATION TREATMENT WERE LINKED TO ELEMENTARY HUMAN RIGHTS.

INTERNATIONAL LAW AND INTERNAL AFFAIRS

BY ACCEDING TO THE 'INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION' IN 1969, THE SOVIET UNION ACKNOWLEDGED THAT EMIGRATION POLICY GOES BEYOND THE LIMITS IMPLIED BY THE TERM 'INTERNAL AFFAIRS.' SOVIET RATIFICATION OF THIS CONVENTION ENDED ONCE AND FOR ALL THE PRETENSE THAT

SOVIET EMIGRATION POLICY IS AN IMPROPER SUBJECT FOR ACTION BY THE INTERNATIONAL COMMUNITY. THE 1969 CONVENTION SPECIFIES THAT: '...PARTIES UNDERTAKE TO...

GUARANTEE THE RIGHT OF EVERYONE, WITHOUT DISTINCTION AS TO RACE, COLOUR, OR NATIONAL OR ETHNIC ORIGIN...TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY.' THE JACKSON AMENDMENT, FAR FROM BEING AN INTRUSION INTO ANYONE'S INTERNAL AFFAIRS, IS ONE SMALL STEP ALONG THE ROAD TO AN INTERNATIONAL COMMUNITY BASED ON LAW. HAD THE INTERNATIONAL COMMUNITY ACTED IN THIS SPIRIT AT OTHER TIMES AND PLACES, MUCH OF THE BRUTALITY AND SUFFERING THAT HAVE MARKED THE FIRST THREE QUARTERS OF THE TWENTIETH CENTURY MIGHT HAVE BEEN AVOIDED.

A SHORT HISTORY OF THE JACKSON AMENDMENT

ON OCTOBER 4, 1972, PRIOR TO THE SIGNING OF THE 1972 U.S.-SOVIET TRADE AGREEMENT, MORE THAN 70 SENATORS JOINED ME IN INTRODUCING WHAT BECAME KNOWN AS THE

JACKSON-VANIK AMENDMENT. IN DECEMBER 1973 THE HOUSE OF REPRESENTATIVES PASSED THIS AMENDMENT BY A VOTE OF 319-80. AT THAT TIME THERE WERE 77 SENATORS COSPONSORING THE JACKSON AMENDMENT IN THE SENATE. ITS PASSAGE WAS CERTAIN. NEVERTHELESS, IN THE INTEREST OF RECONCILING THE SOVIET DESIRE FOR UNCONDITIONAL AMERICAN TRADE UNCLASSIFIED

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CONCESSIONS AND THE CONGRESSIONAL VIEW THAT THESE CONCESSIONS SHOULD BE ACCOMPANIED BY SOVIET ACTION IN THE AREA OF HUMAN RIGHTS, I, ALONG WITH SENATORS RIBICOFF AND JAVITS, ENTERED INTO NEGOTIATIONS WITH SECRETARY KISSINGER AIMED AT PRODUCING A FAIR COMPROMISE. THESE NEGOTIATIONS, CARRIED ON OVER A PERIOD OF NINE MONTHS, LED TO AGREEMENT ON THE TEXTS OF TWO LETTERS -- ONE FROM SECRETARY KISSINGER TO ME AND ONE FROM ME TO SECRETARY KISSINGER. THE UNIQUE FORM OF THESE LETTERS, IN WHICH DR. KISSINGER CONVEYED TO THE CONGRESS ASSURANCES THAT HE HAD RECEIVED FROM VARIOUS SOVIET LEADERS, WAS DEVELOPED TO ACCOMMODATE THE SOVIET UNION'S REFUSAL TO BECOME A

PARTY TO A GOVERNMENT-TO-GOVERNMENT AGREEMENT RELATING TO WHAT THEY STILL CONTENDED WAS AN INTERNAL MATTER.

THE OCTOBER 18 COMPROMISE

THE NEGOTIATIONS THAT RESULTED IN THE EXCHANGE OF LETTERS OF OCTOBER 18, 1974 WERE CONDUCTED OVER AN EXTENDED

PERIOD WITH THE UTMOST CARE. AT HIS PRESS CONFERENCE ON

JANUARY 14 SECRETARY KISSINGER EXPLAINED WHY THE
NEGOTIATIONS WERE SO PROTRACTED:

'THE REASON THE NEGOTIATIONS WITH THE SENATORS TOOK SO
LONG WAS OUR CONCERN TO MAKE SURE THAT WE WOULD COMMUNI-
CATE NOTHING THAT WE COULD NOT BACK UP. THE SOVIET UNION
GAVE US CERTAIN DESCRIPTIONS OF THEIR DOMESTIC
PRACTICES, WHICH WE ATTEMPTED TO COMMUNICATE AS
ACCURATELY AS WE COULD...THEY (THE SOVIETS) HAVE NEVER
DISAVOWED THE ASSURANCES OR THE STATEMENTS IN MY LETTER
(TO SENATOR JACKSON).'

THE COMPROMISE OF OCTOBER 18 WAS IN ESSENCE THIS:
THE ADMINISTRATION WOULD CONVEY ASSURANCES TO THE CONGRESS
THAT THE RATE OF EMIGRATION FROM THE SOVIET UNION WOULD
INCREASE AND THAT PUNITIVE ACTION AGAINST INDIVIDUALS
SEEKING TO EMIGRATE WOULD CEASE. IN EXCHANGE, I AGREED
TO INTRODUCE AN AMENDMENT TO THE TRADE BILL THAT WOULD
ENABLE THE PRESIDENT TO WAIVE THE CREDIT AND MFN
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RESTRICTIONS OF THE JACKSON AMENDMENT FOR 18 MONTHS WITH
SUBSEQUENT ONE-YEAR WAIVERS SUBJECT TO CONGRESSIONAL
APPROVAL.

THE COMPROMISE OF OCTOBER 18 HAD BEEN NEGOTIATED WITH
SECRETARY KISSINGER AND APPROVED BY PRESIDENT FORD. IT
WAS AN ENCOURAGING EXAMPLE OF CONSTRUCTIVE COOPERATION
BETWEEN THE CONGRESS AND THE ADMINISTRATION THAT
EFFECTIVELY BRIDGED OUR PHILOSOPHICAL DIFFERENCES ON THE
SUBSTANTIVE QUESTION OF TYING TRADE CONCESSIONS TO
HUMAN RIGHTS. TO IMPLEMENT THE OCTOBER 18 COMPROMISE
THE THREE SENATORS DRAFTED, ALONG WITH ADMINISTRATION
AND FINANCE COMMITTEE REPRESENTATIVES, THE AGREED UPON
WAIVER AUTHORITY. THE SENATE APPROVED IT BY A VOTE OF
88-0, AND IT WAS ADOPTED BY THE FULL CONGRESS WITH THE
TRADE BILL ON DECEMBER 20.

HAVING NEGOTIATED THE OCTOBER 18 COMPROMISE IN GOOD
FAITH, WE THUS DELIVERED ON OUR HALF OF THE BARGAIN:
WE HAD AUTHORIZED THE PRESIDENT TO EXTEND MFN TO THE
SOVIET UNION AND TO PERMIT THE SOVIETS TO PARTICIPATE IN
U.S. GOVERNMENT CREDIT PROGRAMS. THE RUSSIANS, FOR THEIR
PART, WERE EXPECTED TO LIVE UP TO THE ASSURANCES THAT
SECRETARY KISSINGER HAD BEEN AUTHORIZED TO CONVEY
TO THE CONGRESS.

THE ASSURANCES ON EMIGRATION

THE OCTOBER 18 COMPROMISE THUS REVOLVED AROUND THE
ASSURANCES CONVEYED TO CONGRESS. AS A RESULT, THE SOVIET
RENUNCIATION OF THE TRADE AGREEMENT CANNOT BE UNDERSTOOD

UNLESS THE SUBSTANCE OF THOSE ASSURANCES, AND THE ATTITUDE
UNLESS THE SUBSTANCE OF THOSE ASSURANCES, AND THE ATTITUDE

OF THE PARTICIPANTS TOWARD THE COMPROMISE TO WHICH THEY
LED, IS CLEAR. ON THESE ISSUES SECRETARY KISSINGER'S
TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE ON
DECEMBER 3 IS ESPECIALLY INSTRUCTIVE. ASKED ABOUT THE
NATURE OF THE ASSURANCES IN HIS OCTOBER 18 LETTER,
SECRETARY KISSINGER WENT BEYOND WHAT HAD ALREADY BEEN
MADE PUBLIC:
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'I HAVE HAD MANY CONFERENCES ON THIS SUBJECT WITH
AMBASSADOR DOBRYNIN AND CONFERENCES WITH FOREIGN MINISTER
GROMYKO...IN ADDITION, WHEN PRESIDENT FORD TOOK OFFICE
HE HAD SOME CONFERENCES IN WHICH THE STATEMENTS THAT I
HAVE MADE HERE WERE RECONFIRMED BY THE SAME INDIVIDUALS.
FINALLY, GENERAL SECRETARY BREZHNEV HAS MADE ANALOGOUS
STATEMENTS TO PRESIDENT NIXON, TO MYSELF AND RECENTLY

TO PRESIDENT FORD. THIS IS THE STRUCTURE OF THE
ASSURANCES THAT WE HAVE.'

SENATOR HARTKE: 'ARE THE ASSURANCES THEN MADE FROM
MR. BREZHNEV, MR. GROMYKO, AND MR. DOBRYNIN?'

AT THE SAME HEARING, URGING SUPPORT FOR THE NEW PROPOSED
WAIVER AMENDMENT, SECRETARY KISSINGER STATED:
'I BELIEVE A SATISFACTORY COMPROMISE WAS ACHIEVED ON AN
UNPRECEDENTED AND EXTRAORDINARILY SENSITIVE SET OF ISSUES
...I BELIEVE IT IS NOW ESSENTIAL TO LET THE PROVISIONS
AND UNDERSTANDINGS OF THE COMPROMISE PROCEED IN
PRACTICE.'

CLEARLY, AN ARRANGEMENT SUCH AS THE OCTOBER 18 COMPROMISE
COULD ONLY BE NEGOTIATED ON THE BASIS OF GOOD FAITH ON
THE PART OF ALL THE PARTICIPANTS, AND CONTINUING GOOD
FAITH WAS A PREREQUISITE FOR ITS SUCCESSFUL IMPLEMENTATION.
SECRETARY KISSINGER AND PRESIDENT FORD UNDERSTOOD THIS

WELL. AS THE SECRETARY PUT IT ON DECEMBER 3:

THIS UNDERSTANDING WHICH IS REFLECTED IN THESE LETTERS
CAN OPERATE ONLY ON THE BASIS OF GOOD FAITH BY ALL THE
PARTIES CONCERNED AND GOOD WILL AMONG THE SENATORS AND
OURSELVES...THIS IS A SPECIFIC ASSURANCE WHICH HAS BEEN
EXTENDED ON A NUMBER OF OCCASIONS, THE VIOLATION OF
WHICH WOULD CERTAINLY BE ONE THAT THE ADMINISTRATION
WOULD TAKE VERY SERIOUSLY. THE PRESIDENT, ON A NUMBER
OF OCCASIONS, HAS TOLD THE THREE SENATORS THAT WITH
OCCASIONS, HAS TOLD THE THREE SENATORS THAT WITH

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RESPECT TO WHAT IS CONTAINED IN OUR LETTER HE BELIEVES
THAT HE CAN STAND BEHIND IT.'

AS LATE AS DECEMBER 18, 1974, WHEN THE TRADE BILL WAS
UNDER CONSIDERATION IN A HOUSE-SENATE CONFERENCE COMMITTEE
AND AFTER THE SOVIET NEWS AGENCY TASS RELEASED THE TEXT
OF A SECRET OCTOBER 26 LETTER FROM FOREIGN MINISTER
GROMYKO TO SECRETARY KISSINGER, THE STATE DEPARTMENT
FORMALLY COMMENTED THAT MR. GROMYKO'S LETTER 'DOES NOT
IN OUR VIEW CHANGE THE UNDERSTANDINGS REFERRED TO IN THE
SECRETARY'S LETTER TO SENATOR JACKSON OF OCTOBER 18.'

GOOD FAITH AND THE SOVIET UNION

I HAVE QUOTED AT LENGTH FROM REMARKS OF THE SECRETARY
OF STATE BECAUSE I AM ASTONISHED THAT, IN ALL THAT
HAS BEEN SAID ABOUT THE RECENT SOVIET ACTION, THERE HAS
BEEN SO LITTLE RECOGNITION OF THE SIMPLE FACT THAT THE
SOVIET UNION HAS UNILATERALLY ABROGATED A GOOD-FAITH
COMPROMISE ON WHICH THE INK WAS HARDLY DRY.

READING THE COMMENTARIES OF THE SOVIET PRESS ONE WOULD
HAVE THOUGHT THAT THERE HAD NEVER BEEN A COMPROMISE ON
OCTOBER 18, A LAPSE OF MEMORY THAT RECALLS GEORGE
ORWELL'S FAMOUS CHARACTERIZATION OF THE SOVIET UNION
AS A COUNTRY IN WHICH 'YESTERDAY'S WEATHER CAN BE CHANGED
BY DECREE.' IT WAS A BIZARRE CASE OF BLAMING THE LENDER
FOR THE BORROWER'S FAILURE TO PAY HIS DEBTS. RATHER
THAN SAYING PLAINLY THAT THE SOVIETS HAD RENEGED, THE
ADMINISTRATION SOUGHT TO BLAME THE CONGRESS -- AND THEN
TO EXPLOIT THE SOVIET ACTION TO INHIBIT THE CONGRESS
FROM PLAYING ITS CONSTITUTIONAL ROLE IN ESTABLISHING
TARIFFS AND REGULATING CREDITS.

SOME COMMENTATORS HAVE SUGGESTED THAT THE OCTOBER 18
COMPROMISE MIGHT HAVE WORKED IF IT HAD BEEN KEPT SECRET.
NOT ONLY IS THIS CONTRADICTED BY THE REPEATED PUBLIC
REAFFIRMATIONS BY THE ADMINISTRATION OF THE OCTOBER 18
COMPROMISE AFTER IT HAD BEEN ANNOUNCED BUT, MORE
IMPORTANT, IT IMPLIES THAT THE CONGRESS WOULD HAVE BEEN
WILLING TO MODIFY THE JACKSON AMENDMENT ON THE STRENGTH
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OF INTIMATIONS THAT THERE HAD BEEN A 'SECRET DEAL'
THAT WOULD JUSTIFY SUCH ACTION. I COULD NOT ASK MY 534
CONGRESSIONAL COLLEAGUES TO ENACT AUTHORITY FOR THE
PRESIDENT TO WAIVE THE HOUSE-PASSED JACKSON-VANIK
AMENDMENT WITHOUT A FULL DISCLOSURE OF THE COMPROMISE

THAT JUSTIFIED DOING SO, NOR COULD CONGRESS HAVE FULFILLED ITS STATUTORY OBLIGATION TO REVIEW THE IMPLEMENTATION OF THE COMPROMISE AFTER 18 MONTHS IF IT HAD REMAINED SECRET. THE FACT IS THE ADMINISTRATION FULLY UNDERSTOOD THAT THE COMPROMISE COULD NOT BE A 'SECRET DEAL.'

EMIGRATION, CREDITS AND THE FUTURE

THE \$300 MILLION CEILING ON LOANS TO THE SOVIET UNION CAN, UNDER EXISTING LAW, BE INCREASED WITH CONGRESSIONAL APPROVAL. IN MY JUDGMENT, THE CONGRESS SHOULD NOT ABDICATE ITS RESPONSIBILITY TO OVERSEE THE DISPOSITION OF U.S. CREDITS, PARTICULARLY TO THE COUNTRY WHOSE POLICIES REQUIRE US TO SPEND BILLIONS OF DOLLARS FOR DEFENSE. CONGRESS CANNOT FORFEIT THE PUBLIC'S CONFIDENCE BY GIVING THE ADMINISTRATION A MULTI-BILLION DOLLAR BLANK CHECK TO SUBSIDIZE THE SOVIET ECONOMY. ON THIS MATTER, I WOULD LIKE TO COMMEND TO MY COLLEAGUES THE EXCELLENT STATEMENT BY SENATOR ADLAI STEVENSON ON JANUARY 21.

IN SUPPORTING THE JACKSON-VANIK AMENDMENT THE CONGRESS HAS UPHELD THE TRADITIONAL AMERICAN COMMITMENT TO INDIVIDUAL LIBERTY. IN NEGOTIATING THE COMPROMISE OF OCTOBER 18 AND INCORPORATING ITS PROVISIONS WITH THE ORIGINAL JACKSON-VANIK LANGUAGE INTO THE TRADE ACT, THE CONGRESS ACTED BOTH IN THE HOPE THAT OUR GOOD FAITH WOULD BE REWARDED BY GOOD FAITH ON THE SOVIET SIDE, AND WITH THE PRUDENCE OF PROVIDING LEGISLATIVE SAFEGUARDS

WHICH DENY THE AFFECTED ECONOMIC BENEFITS TO THE SOVIET UNION IN THE EVENT OF BAD FAITH.

OUR DETERMINATION ON THESE MATTERS IS ALL THE MORE UNCLASSIFIED

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JUSTIFIED BY PRESIDENT FORD'S JANUARY 21 STATEMENT THAT THE ADMINISTRATION INTENDS TO 'WORK WITH THE CONGRESSTO ELIMINATE ANY OF THE PROBLEMS IN THE TRADE

BILL THAT MIGHT HAVE PRECIPITATED THE ACTION BY THE SOVIET UNION.' THIS UNFORTUNATE REACTION SUGGESTS THAT WE SHOULD REWARD AN EGREGIOUS SOVIET BREACH OF GOOD FAITH WITH INCREASED LARGESSE AND A WEAKENING OF OUR INSISTENCE THAT THEY MOVE TOWARD FREER EMIGRATION.

I DO NOT BELIEVE THAT THE CONGRESS WILL RESPOND TO THE DISAPPOINTING SOVIET MOVE BY ABANDONING ITS COMMITMENT TO HELP BRING ABOUT THE FREER MOVEMENT OF PEOPLE AND

IDEAS BETWEEN EAST AND WEST, AND I EXPECT THE PRESIDENT
AND THE SECRETARY OF STATE TO STAND BY THEIR OWN
COMMITMENTS EMBODIED IN THE OCTOBER 18 COMPROMISE." INGERSOLL

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